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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,712	12/06/2001	John Walter Liebeschuetz	00111/US1	3427

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EXAMINER

AULAKH, CHARANJIT

ART UNIT PAPER NUMBER

1625

DATE MAILED: 07/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,712

Applicant(s)

Liebeschuetz, J. et al.

Examiner

CHARANJIT AULAKH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-41 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-41, drawn to compounds of formula (I) where R2 is phenyl or naphthyl, X attached to R2 group is C, Cy is carbocyclic ring, L is C and Lp is a carbocyclic ring and pharmaceutical compositions containing these compounds.

Group II, claim(s) 1-41, drawn to compounds of formula (I) where R2 is phenyl or naphthyl, X attached to R2 group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a carbocyclic ring and pharmaceutical compositions containing these compounds.

Group III, claim(s) 1-41, drawn to compounds of formula (I) where R2 is phenyl or naphthyl, X attached to R2 group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a carbocyclic ring and pharmaceutical compositions containing these compounds.

Group IV, claim(s) 1-41, drawn to compounds of formula (I) where R2 is phenyl or naphthyl, X attached to R2 group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a carbocyclic ring and pharmaceutical compositions containing these compounds.

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Group V, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a monocyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

Group VI, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a monocyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

Group VII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a monocyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

Group VIII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a monocyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

Group IX, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a monocyclic heterocyclic ring containing S as heteroatom and pharmaceutical compositions containing these compounds.

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Group X, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a monocyclic heterocyclic ring containing S as heteroatom and pharmaceutical compositions containing these compounds.

Group XI, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a monocyclic heterocyclic ring containing S as heteroatom and pharmaceutical compositions containing these compounds.

Group XII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a monocyclic heterocyclic ring containing S as heteroatom and pharmaceutical compositions containing these compounds.

Group XIII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a monocyclic ring containing two N atoms as heteroatoms and pharmaceutical compositions containing these compounds.

Group XIV, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a monocyclic heterocyclic ring containing two N as heteroatoms and pharmaceutical compositions containing these compounds.

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Group XV, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a monocyclic heterocyclic ring containing two N as heteroatoms and pharmaceutical compositions containing these compounds.

Group XVI, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a monocyclic heterocyclic ring containing two N as heteroatoms and pharmaceutical compositions containing these compounds.

Group XVII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a bicyclic or tricyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

Group XVIII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a bicyclic or tricyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

Group XIX, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a bicyclic or tricyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

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Group XX, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a bicyclic or tricyclic heterocyclic ring containing N as heteroatom and pharmaceutical compositions containing these compounds.

Group XXI, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a branched alkyl group and pharmaceutical compositions containing these compounds.

Group XXII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a branched alkyl group and pharmaceutical compositions containing these compounds.

Group XXIII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a branched alkyl group and pharmaceutical compositions containing these compounds.

Group XXIV, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a branched alkyl group and pharmaceutical compositions containing these compounds.

Group XXV, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a group of formula (i) and pharmaceutical compositions containing these compounds.

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Group XXVI, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a group of formula (i) and pharmaceutical compositions containing these compounds.

Group XXVII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a group of formula (i) and pharmaceutical compositions containing these compounds.

Group XXVIII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a group of formula (i) and pharmaceutical compositions containing these compounds.

Group XXIX, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a group of formula (ii) and pharmaceutical compositions containing these compounds.

Group XXX, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a group of formula (ii) and pharmaceutical compositions containing these compounds.

Group XXXI, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a group of formula (ii) and pharmaceutical compositions containing these compounds.

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Group XXXII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a group of formula (ii) and pharmaceutical compositions containing these compounds.

Group XXXIII, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is N, O or S and Lp is a group of formula (iii) and pharmaceutical compositions containing these compounds.

Group XXIV, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is C and Lp is a group of formula (iii) and pharmaceutical compositions containing these compounds.

Group XXXV, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is N, O or S, Cy is carbocyclic ring, L is C and Lp is a group of formula (iii) and pharmaceutical compositions containing these compounds.

Group XXXVI, claim(s) 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, X attached to R₂ group is C, Cy is carbocyclic ring, L is N, O or S and Lp is a group of formula (iii) and pharmaceutical compositions containing these compounds.

Groups 37-72, claims 1-41, drawn to compounds of formula (I) where R₂ is monocyclic heteroaryl group and X attached to R₂, L, Cy and Lp groups are same as defined above for groups 1-36, respectively and pharmaceutical compositions containing these compounds.

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Groups 73-108, claims 1-41, drawn to compounds of formula (I) where R₂ is a bicyclic heteroaromatic ring and X attached to R₂, L, Cy and Lp groups are same as defined above for groups 1-36, respectively and pharmaceutical compositions containing these compounds.

Groups 109-144, claims 1-41, drawn to compounds of formula (I) where R₂ is phenyl or naphthyl, Cy is heterocyclic group and X attached to R₂, L and Lp groups are same as defined above for groups 1-36, respectively and pharmaceutical compositions containing these compounds.

Groups 145-180, claims 1-41, drawn to compounds of formula (I) where R₂ is monocyclic heteroaryl group, Cy is heterocyclic group and X attached to R₂, L and Lp groups are same as defined above for groups 1-36, respectively and pharmaceutical compositions containing these compounds.

Groups 181-216, claims 1-41, drawn to compounds of formula (I) where R₂ is a bicyclic heteroaromatic ring, Cy is heterocyclic group and X attached to R₂, L and Lp groups are same as defined above for groups 1-36, respectively and pharmaceutical compositions containing these compounds.

2. The inventions listed as Groups I through 216 as defined above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

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There is no common core which in the Markush Practice, is a significant structural element shared by all of the alternatives; see PCT Administrative Instructions Annex B Part I (f) (i) (B) (1).

3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

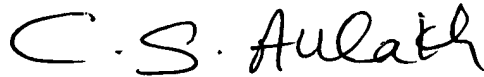
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chana Aulakh whose telephone number is (703) 305-4482. The examiner can normally be reached on “ Monday-Thursday “ from 7:30 A.M. to 6:00 P.M.

If the attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. Alan Rotman, can be reached on (703) 308-4698. The fax number for this Group is (703) 308-4556.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group's receptionist whose telephone number is (703) 308-1235.

A handwritten signature in black ink, reading "C. S. Aulakh". The signature is written in a cursive style with a large, stylized "C" and "S".

CHARANJIT S. AULAKH

PRIMARY EXAMINER